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MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
MONDAY, JUNE 8, 2015, 7:00 P.M., ON THE
4th FLOOR, CAFETERIA, GOVERNMENT CENTER
BLDG, 888 WASHINGTON BLVD., STAMFORD, CT

Present for the Board: Thomas Mills (Chair), Barry Michelson (Secretary), Bill Morris, David Stein and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner.

Chairman Mills called the meeting to order at 7:09 pm. In the absence of Rosanne McManus, alternate Joanna Gwozdzowski was seated.

PUBLIC HEARING

1. **Application 214-40 – STRAZZA, Text change,** to Amend Article III, Section 5D by adding a condition 5) that would permit placement of accessory structures used for farm purposes on parcels of 50 acres or more, used as farm land, to be located within the front yard, when meeting certain setback and height standards.

Chairman Mills read the description of this application into the record.

Secretary Michelson read the Planning Board referral letter from Theresa Dell, Chair, dated May 14, 2015 into the record, noting that they recommended disapproval in their meeting of May 26, 2015 because it is not consistent with the 2015 Master Plan. Disapproval by the Planning Board requires that the Zoning Board approve by a supermajority vote (4).

Lee Rizzuto, Jr., was present to explain the requested text change. He stated that he resides at Star Meadow Farm on Erskine Road in Stamford. He stated that there are currently no farm regulations in the City. His goal is to restore his farm property to its historical use when it was the Tunney Estate. It's a good commercial use to allow in a residential zone. The proposed regulation is limited to properties that are 50 acres or more and only a handful of properties would be affected. The proposed regulation would classify "farm structures" as "primary structures". By increasing required setbacks, it is believed that there would be adequate protection of neighboring residential areas.

Mr. Michelson asked what is the average farm size in Connecticut? Mr. Rizzuto responded that less than half of the farms are over 50 acres.

Mr. Stein asked how the regulations prohibit accessory buildings. Mr. Rizzuto explained that his property had three road frontages and three front yards, which made placement difficult. Mr. Stein asked why the regulation asks permission for additional non-conforming residential uses. Mr. Rizzuto stated that he anticipates a future need for farm labor housing. He stated that if this is a problem to the Board, it can be removed from the proposed regulation.

Mr. Morris asked if there was any limit to the number of farm structures he anticipated. Mr. Rizzuto said that this is limited in the regulation by F.A.R. which restricts total building coverage. He explained that he may need at least one more building to house animals. Mr. Stein

asked how many properties would be affected. He didn't want to see this create a spot zoning condition. Mr. Rizzuto stated there were about 5 properties that would be affected.

Ms. Gwozdzowski asked about the proposed building height. Mr. Rizzuto explained that he would need more height for structures like barns. The proposed standard at 35 feet to the peak of the roof would be lower than for a primary residence but it could be tall enough to accommodate farm needs.

Mr. Stein again asked Mr. Rizzuto how many structures does he need on the property and could we agree to a limit. Mr. Rizzuto noted that currently, building coverage is limited to 10%. He said he would be comfortable agreeing to a reduction of 50% (i.e., maximum 5% building coverage). After some additional discussion about the non-conforming residential language, Mr. Cole offered to work on some alternate language for the Board's consideration.

Mr. Stein asked that Staff confirm which properties would be affected by this regulation.

Ms. Gwozdzowski asked why the North Stamford Association opposed this text change. Mr. Rizzuto stated he believes it is personal and directed at him because he took over the Lake Windermere development.

Chairman Mills asked if there was anyone from the public that wanted to speak for or against the proposed text change. It was noted that correspondence had been received from Board of Representatives member Gail Okun and the President of the North Stamford Association, Tom Lombardo.

There was no one from the public that spoke on this application.

Mr. Rizzuto thanked the Board for their consideration and explained he was anxious to move forward with plans to expand the farm. He stated that hay was their first crop and that they are donating about half of this crop to the Nature Center.

Mr. Mills closed the public hearing on this application at 8:00pm.

2. **Application 215-16 – RBS GREENWICH CAPITAL PROPERTY ACQUISITION CORP, Text change,** To amend Article IV, Section 13-H-9 to allow the Zoning Board to approve, by Special Exception, transferred signage with internally illuminated lettering or logos on the same building where such signage has been previously approved as well as lettering that includes a single color in addition to black or white.
3. **Application 215-17 – RBS GREENWICH CAPITAL PROPERTY ACQUISITION CORP, Special Exception,** To permit the transfer of approximately 612 square feet of signage rights from the southern, eastern and northern facades to the western façade on a building located at 600 Washington Boulevard.

Chairman Mills read the description of these applications into the record.

Secretary Michelson read the Planning Board referral of Chair Theresa Dell dated May 14, 2015 into the record, noting that they recommended approval, finding this application consistent with Master Plan Category #11 during their meeting of May 12, 2015.

Attorney Bill Hennessey explained the requested text change and the related Special Exception application. He introduced Attorneys Lisa Feinberg and Jason Klein from his office.

Attorney Hennessey gave an overview of the history of approvals for the RBS building and explained how the text was first written to accommodate placement of signage on that building. He stated this was a minor revision that would allow RBS to add a modest amount of additional signage. He explained that RBS was condensing operations on-site and freeing up floor space that would enable them to lease out some space to another tenant. Approval of this text change would allow RBS to add signs that were the same in size and type as the ones currently on the building. Attorney Feinberg provided background on Section 13 of the Zoning Regulations, which allows the Board to grant a transfer of signage from one side of the building to another side. She clarified that the request has been slightly modified to reduce the amount of transferred signage from 612 square feet to 336 square feet, based on some earlier miscalculations.

Chairman Mills asked if there was anyone from the public that wanted to speak for or against the proposed text change or requested Special Exception. There were none.

Chairman Mills closed the public hearing on this application at 8:22pm. The Board took a brief recess and reconvened at 8:35pm.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: June 1, 2015

A number of corrections were offered by Mr. Michelson, Mr. Mills, Mr. Stein, Mr. Morris and Mr. Killeen.

After further discussion, Mr. Michelson made a motion to approve the minutes with the corrections submitted, seconded by Mr. Morris and the motion was approved 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski).

PENDING APPLICATIONS:

1. **CSPR-973 – GIORDANO, 74 Burwood**, to add approximately 785 sf for a new foyer, second floor addition and two exterior decks on an existing single family residence located at 74 Burwood in an R-6 zone within the CAM boundary.

Mr. Killeen summarized this application which requested approval to make modest modifications to an existing home located in a section of the Coastal Boundary that is classified as shorelands. He reviewed the staff report prepared by EPB and the series of recommended conditions.

After considering this matter, a motion was made by Mr. Morris and seconded by Mr. Stein to approve CSPR #973 subject to the conditions included in the EPB report. The motion was approved 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski). The conditions read as follows:

1. *Work shall conform to the following plans/correspondence:*

- *“Zoning Location Survey of Property Prepared for Giovanna Giordano,” 74 Burwood Avenue, Stamford, Connecticut, by James Dennison, L.S., dated March 27, 2015.*
 - *“Design Development,” The Giordano Residence Alteration, 74 Burwood Avenue, Stamford, Connecticut, Sheets SP-1.0, A-1.0, A-1.1, A-1.2, A-1.3 and A-2.0, by Designer and Construction Manager, Building Checks, Inc.*
 - *Correspondence from Susan M. Kiskien, P.E., Stamford Engineering Bureau, dated June 1, 2015.*
2. *Final architectural/design drawings shall be subject to the review and approval of Land Use Bureau Staff prior to the issuance of a building permit and start of any site activity.*
 3. *All erosion control measures shall be installed in the manner and location depicted on the permit plans prior to the start of any site activity and maintained in a fully functional condition throughout the period of construction.*
 4. *The street and adjoining paved areas shall be swept as necessary to prevent impact.*
 5. *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other suitable alternatives prior to the issuance of a certificate of occupancy. This condition applies not only to disturbed earth surfaces subject to landscaping, but also to areas under any exterior decks, stairs, driveway surfaces, etc.*
 6. *Prior to the receipt of a signature authorizing the issuance of a certificate of occupancy, a Connecticut Land Surveyor shall provide a final improvement location survey (ILS) showing the final configuration of the improvements.*
2. **CSPR-975 – CITY OF STAMFORD - MILL RIVER PARK, southeast corner of the intersection of West Broad and Mill River Streets**, construction of a carousel pavilion, riverfront porch with benches, tables and a shade canopy of 12,000 s.f., and adjacent hardscape improvements on 1.75 acres in the Mill River Park zone within the CAM boundary.

Mr. Mills recused himself from acting on this application. Mr. Michelson chaired this part of the meeting.

Mr. Killeen summarized this application which requested approval to construct a carousel pavilion at Mill River Park and he reviewed the staff report for this CSPR submitted by EPB staff.

Mill River Park Executive Director Milton Puryear was available to answer questions from the Zoning Board. Mr. Cole stated that a Coastal Site Plan Review had previously been completed for the Park but that the carousel building was not included on those plans at that time.

Mr. Morris asked why the drainage calculations were so high. Mr. Cole noted that there were plan revisions during the review process so they may have been amended. Mr. Killeen reported that the original plans were changed so that the structure would be located outside of the floodplain.

After some discussion, a motion was made by Mr. Morris and seconded by Mr. Stein to approve CSPR #975, subject to the conditions included in the EPB report. The motion was approved 4:0 (Michelson, Morris, Stein and Gwozdzowski). The conditions read as follows:

1. Works shall comply with the following plans and correspondence:

- *“Cover Sheet,” “Existing Conditions,” “Site Preparation,” “Site Plan,” “Site Details,” “Site Details,” “Site Details,” “Site Details,” “Pedestrian Detour Plan,” “Planting,” “Code Data,” “Abbreviations and Symbols,” “Pavilion Control Plan,” “Pavilion - Floor Finish,” “Pavilion - Roof Plan,” “Pavilion RCP,” “Pavilion - Elevations,” “Pavilion - Elevations,” “Pavilion - Building Sections,” “Pavilion - Wall Sections,” “Pavilion - Wall Sections,” “Pavilion - Exterior Details,” “Pavilion - Exterior Details,” “Pavilion - Exterior Details,” “Pavilion - Exterior Details,” “Pavilion - Skylight Details,” “Skylight Details,” “Pavilion - Exterior Details,” “Pavilion - Door Types and Door Schedule,” “Window Elevations and Details,” “Pavilion - Exterior Door Details,” “Pavilion - Interior Door Details,” “Typical Mounting Heights,” “Enlarged Views – Carousel Hall and Bathroom Vestibule,” “Enlarged Views Stage and Entry Vestibule,” “Enlarged Views and Equipment Schedule – Catering Preparation,” “Enlarged Views - Hall,” “Enlarged Views Restrooms 107 and 108,” “Partition Details,” “Bathroom Details,” “Interior Details,” “Interior Details,” “Details,” “Details,” “Flow and Control,” “Radiant Heating Floor Plan,” “HVAC Floor Plan,” “Mechanical Room,” “Roof Plan,” “Schedule,” “Single Line Diagram Symbols and Notes,” “Fire Alarm Riser Diagram,” “Floor Plan,” “Lighting,” “Site Lighting,” “Schedules,” “Symbols List and Risers Diagram,” “Plumbing Floor Plan,” “Plumbing Roof Plan,” and “Signage,” Rebid Mill River Park Pavilion, 20 West Broad Street, Stamford, Connecticut, by Gray Organschi Architecture, dated March 17, 2015.*
- *“Framing Plan,” “General Notes,” “Sections,” Rebid Mill River Park Pavilion, 20 West Broad Street, Stamford, Connecticut, by Gray Organschi Architecture, revised April 16, 2015.*
- *“Pavilion – Plan,” “Pavilion - Interior Door Details,” “Partition Types,” “Ceiling Details,” Rebid Mill River Park Pavilion, 20 West Broad Street, Stamford, Connecticut, by Gray Organschi Architecture, revised April 7, 2015.*
- *“Grading, Drainage, Utilities and Sediment and Erosion Control,” Rebid Mill River Park Pavilion, 20 West Broad Street, Stamford, Connecticut, by Gray Organschi Architecture, revised April 6, 2015.*

- *“Site Details,” “Site Details,” “Enlarged Views - Restrooms 102 and 103,” “Enlarged Views Restroom 103,” Rebid Mill River Park Pavilion, 20 West Broad Street, Stamford, Connecticut, by Gray Organschi Architecture, revised April 2, 2015.*
 - *“Foundation Plan,” “Braced Frame Elevations,” “Typical Details,” “Typical Details,” “Sections,” Rebid Mill River Park Pavilion, 20 West Broad Street, Stamford, Connecticut, by Gray Organschi Architecture, revised March 31, 2015..*
 - *“Grading Area A,” “Grading Area B,” “Irrigation – Enlargement A,” “Irrigation – Enlargement B,” Rebid Mill River Park Pavilion, 20 West Broad Street, Stamford, Connecticut, by Gray Organschi Architecture, revised November 6, 2007.*
 - *Correspondence from David Sacco, P.E., Project Engineer, TPA Design Group, to Milton Puryear, Mill River Collaborative, dated October 7, 2014.*
 - *Correspondence from David Sheerin, Gray Organschi Architecture, dated April 2, 2015.*
 - *Correspondence from David Sacco, P.E., Project Engineer, TPA Design Group, dated April 2, 2015 (accompanied by Engineering Bureau responses).*
 - *“Letter of Map Revision, Determination Document,” City of Stamford, Rippowam River Restoration Project, Case No. 14-01-2347P, Federal Emergency Management Agency, dated February 19, 2015.*
2. *Prior to the start of any site activity, modification of the development plans to: a) fence off the limits of the projected special flood hazard areas, b) designate potential stockpile areas, and c) apply City’s standard for sumps/outlet controls to the proposed trench drain, subject to the review and approval of EPB Staff.*
 3. *Approved project limits and work areas shall be staked in the field by a Connecticut surveyor prior to the start of any site activity.*
 4. *Temporary sediment and erosion and construction controls (including tree protection) shall be installed per the approved plans and approved in writing by EPB Staff prior to the start of any site activity.*
 5. *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other suitable alternatives prior to the issuance of a certificate of occupancy/completion. This condition applies not only to disturbed earth surfaces subject to landscaping but also to areas under any exterior decks, stairs, driveway surfaces, etc.*
 6. *All drainage, utilities, grading, final stabilization measures and other engineered elements shall be completed under the supervision of a Connecticut registered professional engineer/surveyor with an improvement location survey (surveyor) and*

written certifications (engineer) submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of a certificate of occupancy/completion.

7. *All approved landscaping and mitigative measures shall be conducted under the supervision of a qualified landscaping professional with written certifications submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy/completion.*
8. *In-ground fuel oil storage is prohibited.*

3. Application 215-10 – SHELTER FOR THE HOMELESS, Special Exception and Coastal Site Plan Review

Mr. Morris recused himself on this application since he has family that owns property in the area.

Mr. Killeen circulated draft conditions of approval based on the Board's previous discussion at the June 1, 2015 Zoning Board meeting.

Mr. Cole provided language concerning future use of the property, especially as a market rate 3-family house. The Board discussed building materials and made several modifications to the draft conditions.

After further discussion, Mr. Stein made a motion to approve the application with the conditions modified as discussed, seconded by Ms. Gwozdzowski and the motion was approved 4:0 (Mills, Michelson, Stein and Gwozdzowski). The revised conditions will read as follows:

1. *The Zoning Board approves the Special Exception request for a Bonus Density Standard on this property, subject to restoration of the subject property as proposed.*
2. *Prior to the issuance of a building permit, the Applicant shall submit final specifications of exterior architectural designs, materials samples, and colors, subject to final approval by Zoning Board staff, consistent with the building and site plans, architectural elevations and illustrative renderings constituting the record of the application. Final colors and the design of the porch rails shall be reviewed by the Historic Preservation Advisory Commission and final approval by the Zoning Board staff.*
3. *Landscaping, retaining walls and perimeter fencing plans are approved, subject to approval of construction documents by the Zoning Board staff.*
4. *Lighting plans are approved, subject to review of final construction documents by the Zoning Board staff to confirm that no objectionable trespass lighting will occur.*
5. *No significant mechanical equipment, in addition to that depicted on the building and site plans, shall be installed within view of any public street without prior approval of the Zoning Board staff.*

6. *Submission of a final written description plans and specifications defining the proposed historic restoration measures, subject to approval by Zoning Board staff in consultation with the Historic Preservation Advisory Commission, prior to start of construction and renovations to the historic structure.*
7. *Execution of a standard historic facade preservation easement, subject to approval by Zoning Board staff prior to the issuance of a building permit, to be recorded with final photo exhibits prior to certificate of occupancy.*
8. *Submission of final written certification of the historic restoration by a qualified expert acceptable to the Zoning Board, prior to the issuance of a certificate of occupancy.*
9. *Dedication of a plaque designating the year of construction on the historic building prior to the issuance of a Certificate of Occupancy.*
10. *Any change to the use of this property in the future, including change to market rate residential use, will require approval by the Zoning Board, based on a review of the anticipated parking demand for the proposed use.*

STANDARD CONDITIONS:

11. *Applicant shall make best efforts to keep the property in good condition up until and during the construction process. Existing lawn areas shall be mowed and maintained and construction debris shall be kept to a reasonable minimum.*
12. *Submission of a comprehensive site plan showing proposed grading, underground utility connections, sanitary sewer connections and proposed storm water management systems, subject to approval by the Engineering Bureau prior to the issuance of a building permit.*
13. *Submission of a trash management and snow removal plan subject to Zoning Board staff approval prior to issuance of a building permit.*
14. *Submission of a Drainage Facilities Maintenance Agreement and a Landscape Maintenance Agreement, subject to the review and acceptance of the Engineering Department and the Environmental Protection Board staff prior to issuance of a Certificate of Occupancy.*
15. *The Applicant shall have one year from the effective date of this approval within which to secure a Building Permit, subject to Zoning Board approval of three extensions, each not more than one year, upon timely application and good cause shown.*

4. Application 214-40 – STRAZZA, Text change

Mr. Stein stated he was not comfortable voting on this application until he receives more information from Staff on which properties could be affected by the proposed text change. He didn't want to approve a regulation that benefits only one property. Mr. Cole

discussed alternate language for the residential properties and a reduction in allowed building coverage.

After additional discussion, Chairman Mills asked that this item be placed on the Board's next meeting agenda.

5. Application 215-16 – RBS GREENWICH CAPITAL PROPERTY ACQUISITION CORP, Text change

The Board Members discussed these pending applications briefly and indicated they were prepared to act on them.

Mr. Morris made a motion to approve application #215-16 with the changes as circulated, seconded by Ms. Gwozdzowski. The motion was approved 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski). The text change will read as follows:

To amend Article IV, Section 13-H-9 of the Zoning Regulations of the City of Stamford as follows to now read as follows (new language appears underscored):

Where a building fronts on more than one street and is on a lot in excess of two acres, the Zoning Board, by issuance of a Special Exception, may authorize the transfer of front wall signage rights to another front, side or rear wall of the building, the wall of an attached garage that fronts on a street, or to a ground mounted sign or signs, upon a finding by the Zoning Board that such transfer (i) will result in a sign or signs appropriate to the architecture of the building, (ii) will promote identification of the building, and (iii) is consistent with the goals and policies of the Master Plan. Any signage rights transferred shall remain on the same lot from which they originate. A request to transfer signage rights shall be accompanied by plans, subject to Zoning Board approval, showing the intended location, number, size and design of the intended new signage. Where a portion of the requested signage transfer is unallocated to an approved sign plan, the amount of such unallocated signage transfer shall not exceed two hundred (200) square feet per lot.

a) Any such wall signage shall contain only the name or logo of a person or entity having an ownership interest in the building or the name or logo of a tenant or tenants occupying not less than twenty thousand (20,000) square feet of leasable floor area within the building, and shall not be used to promote any product line, service or like advertising. Any such wall signs shall satisfy the following criteria, as determined by the Zoning Board: (A) except in an instance where the Zoning Board has previously approved signage with internally illuminated lettering or logos on the same building, illumination of signage shall be with back lighting or indirect lighting and no internally illuminated lettering or logos shall be permitted; (B) in addition to a background color, no more than two colors may be used within a sign; and (C) signs shall be compatible in color, height and alignment to other signs on the same frontage of a building. The sign area calculation for open-type signs permitted under paragraph H.1 above shall not apply to any signage rights transferred under this paragraph 9....

6. Application 215-17 – RBS GREENWICH CAPITAL PROPERTY ACQUISITION CORP, Special Exception

Mr. Michelson made a motion to approve application #215-17 to transfer approximately 336 square feet of available signage rights from the southern, eastern and northern building facades to the western building façade, in accordance with Article IV, Section 13-H-9 of the Zoning Regulations of the City of Stamford. The property subject to the application consists of approximately 4.2 acres and is commonly referred to as 600 Washington Boulevard, Stamford, seconded by Mr. Morris. The motion was approved 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski).

OLD BUSINESS

1. Application 210-44 - STAMFORD EXIT 9, LLC (*administrative request for approval of a physical therapy use at 1 Blachley Road*)

Lisa Feinberg, Attorney, provided a history of the property which was previously used for industrial purposes including Clairol. Stamford Hospital now requests approval to use about 10,000 s.f. of available space for physical therapy uses. This would leave 10,000 s.f. of space still to be assigned. This is basically permitted use but the owner has been seeking Board approval throughout the redevelopment process.

After some discussion, Mr. Morris made a motion to approve this request, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski).

NEW BUSINESS

Status Report on Strand v. ZBA Boatyard Court Case and Boatyard Consultant Contract

Chairman Mills read into the record an update from the City's Consultant, which had been received from Thomas Madden, Economic Development Director for the City of Stamford. No additional update was provided this week.

The Board Members discussed a number of issues relative to the boatyard study:

- Timing is a problem. Without completed studies, it is impossible for the Board to schedule a public hearing that provided the Planning Board and the Harbor Management Commission sufficient review time. The Planning Board will not meet in July and the Zoning Board will not meet in August. The Public Hearing may have to wait until September 2015.
- The City is expecting to receive comments from consultant, Luis Ajamil on the Applicant's May 26, 2015 study.
- There is concern about communication coming from Staff that was not Zoning Board Staff.
- The Board reiterated that they wanted the City's consultant to provide a peer review/independent assessment of the applicant's studies, not a collaboration.

- The Applicant's Market Study may not be sufficient and some of the application materials are incomplete. It will be up to the Board to determine if it is acceptable.
- The Board considered setting a "drop dead" date for submission of remaining materials. The Board is questioning why it is taking the Applicant so long to respond to questions from their consultants.
- The Board questioned whether the Applicant was serious about this application and whether they are trying to avoid the court process.
- If a public hearing is scheduled without complete information, the Board would likely have to deny the application. There was some question about whether that could be considered progress for the City.

Chairman Mills stated he would like Ms. McManus to be present for the discussion of this item. He asked Mr. Cole to check with Thomas Madden and the City's Consultant to see if a report could be provided this week. The Board asked what progress will BLT make by June 15. Chairman Mills asked that Thomas Madden, Attorney Jim Minor and a representative of BLT be invited to attend the June 15 meeting of the Zoning Board to review progress on the work being completed and to discuss a possible public hearing schedule. The Board asked if the city's Consultant, Luis Ajamil could also be present. Mr. Cole indicated there was no additional money for his participation other than for the public hearing when it is formally scheduled.

ADJOURNMENT

There being no further business, a motion was made by Mr. Morris and seconded by Ms. Gwozdzowski to adjourn, and the motion was approved 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski). The meeting adjourned at 10:25pm.

Agenda 6/08/15